

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 548

Introduced by Senator Hollingsworth

February 22, 2007

An act to amend Section 8690.6 of the Government Code, relating to emergency services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, Hollingsworth. California Emergency Services Act: Disaster Response-Emergency Assistance Account: repeal date.

The California Emergency Services Act establishes the Disaster Response-Emergency Response Operations Account in the Special Fund for Economic Uncertainties, and continuously appropriates moneys in the account for allocation by the Director of Finance to state agencies for qualifying disaster response operation costs *for activities that occur within 120 days after a proclamation of emergency by the Governor*, subject to specified conditions. These provisions are repealed as of July 1, ~~2013~~ 2007.

This bill *instead would provide that the allocations are for qualifying disaster response operation costs for activities that occur within 360 days after a proclamation of emergency by the Governor. It would also* extend the repeal date of these provisions to January 1, ~~2007~~ 2013. By extending the existence of a continuously appropriated fund, this bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 8690.6 of the Government Code is amended to read:

8690.6. (a) The Disaster Response-Emergency Operations Account is hereby established in the Special Fund for Economic Uncertainties. Notwithstanding Section 13340, moneys in the account are continuously appropriated, subject to the limitations specified in subdivisions (c) and (d), without regard to fiscal years, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a proclamation by the Governor of a state of emergency, as defined in subdivision (b) of Section 8558. These allocations may be for activities that occur within ~~120~~ 360 days after a proclamation of emergency by the Governor.

(b) It is the intent of the Legislature that the Disaster Response-Emergency Operations Account have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. If this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in an amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.

(c) Funds shall be allocated from the account subject to the conditions of this section and upon notification by the Director of Finance to the chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house.

(d) Notwithstanding any other provision of law, authorizations for acquisitions, relocations, and environmental mitigations related to activities, as described in subdivision (a), shall be authorized pursuant to this section. However, these funds may only be authorized for needs that are a direct consequence of the proclaimed emergency where failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this subdivision.

1 (e) No funds allocated under this section shall be used to
2 supplant federal funds otherwise available in the absence of state
3 financial relief.

4 (f) The amount of financial assistance provided to an individual,
5 business, or governmental entity under this section, or pursuant to
6 any other program of state-funded disaster assistance, shall be
7 deducted from sums received in payment of damage claims asserted
8 against the state, its agents, or employees, for causing or
9 contributing to the effects of the proclaimed disaster.

10 (g) No public entity administering disaster assistance to
11 individuals shall receive funds under this section unless it
12 administers that assistance pursuant to the following criteria:

13 (1) All applications, forms, and other written materials presented
14 to persons seeking assistance shall be available in English and in
15 the same language as that used by the major non-English-speaking
16 group within the disaster area.

17 (2) Bilingual staff who reflect the demographics of the disaster
18 area shall be available to applicants.

19 (h) This section shall remain in effect only until January 1, 2013,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2013, deletes or extends that date.

22 SEC. 2. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or safety within
24 the meaning of Article IV of the Constitution and shall go into
25 immediate effect. The facts constituting the necessity are:

26 In order that the Disaster Response-Emergency Operations
27 Account established pursuant to Section 8690.6 of the Government
28 Code may continue in uninterrupted existence, it is necessary that
29 this act take effect immediately.